

Approving the Applicant's
Request to Delete Staff Report
Conditions 1.1.4 and 1.2.2

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

1 WHEREAS, Apple's Way, LLC/Uno Properties has submitted the preliminary plat
2 of Apple's Way Addition for acceptance and approval together with a request to waive the
3 requirements of the Land Subdivision Ordinance and Design Standards for Land Subdivision
4 Regulations in order to allow lots that do not front on a public street or private roadway in the B-
5 2 District, to allow lot lines not perpendicular to a street, to waive sidewalks along Highway 2, to
6 waive sidewalks along the north side of McIntosh Road and McIntosh Circle, and to approve an
7 alternate location of public sanitary sewer and water mains on property generally located at
8 South 66th Street and Highway 2; and

9 WHEREAS, the Lincoln City-Lancaster County Planning Commission held a
10 public hearing on November 9, 2005 and adopted Resolution No. PC-00960 which conditionally
11 approved Preliminary Plat No. 05016; and

12 WHEREAS, applicant has appealed the action of the Lincoln City-Lancaster
13 County Planning Commission and is requesting the elimination of condition 1.a.iii. (condition
14 1.1.4 in the staff report) to the preliminary plat which requires the Permittee to shown how the
15 required detention capacity is maintained when the unidentified street at the southwest corner of
16 the plat is built while maintaining the stand of trees which the developer had reached agreement
17 upon with the Country Meadows Homeowners Association, and condition 1.b.ii. (condition 1.2.2
18 in the staff report) to the preliminary plat which requires a right-turn lane in Highway 2 at S. 66th
19 Street as 200 feet long and to label the access as right-in-right-out only; and

1 WHEREAS, inclusion of condition 1.a.iii. and 1.b.ii. in the conditional approval of
2 the Apple's Way Preliminary Plat by the Lincoln City - Lancaster County Planning Commission
3 should be reversed.

4 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
5 Lincoln, Nebraska that the preliminary plat of Apple's Way Addition, generally located at South
6 66th Street and Highway 2 as submitted by Apple's Way, LLC/Uno Properties is hereby
7 accepted and approved, subject to the following terms and conditions:

8 1. After the subdivider completes the following instructions and submits the
9 documents and plans and 6 copies to the Planning Department, the preliminary plat will be
10 signed by the Chair of the Planning Commission certifying approval:

11 a. Revise the preliminary plat as follows:

- 12 i. Show sidewalks along both sides of McIntosh Circle and
13 McIntosh Lane unless the subdivider's waiver request is
14 approved by the City Council.
- 15 ii. Show easements per the L.E.S. review.
- 16 iii. Label all the roads in the B-2 and R-1 zones as private
17 roadways.
- 18 iv. Dimension and number all lots and add a note that all lot
19 lines are approximate.
- 20 v. Revise the General Notes to match those on the approved
21 plan for Apple's Way PUD.
- 22 vi. Revise the landscape plan on Sheet 5 of 5 to show all the
23 required landscape screen between the B-2 and R-1
24 districts located in the B-2 district for that area located
25 south of Empire Lane. Add a note that the landscape
26 screen between the B-2 and R-1 districts located north of
27 Empire Lane shall be located to provide the best screening
28 effect due to the slope. All of the landscape screen shall
29 be maintained by the owners of the B-2 zoned land or an
30 association of such owners.
- 31 vii. Remove the designation for "Possible Sign Location" at the
32 southeast corner of the site which is outside the boundary
33 of the plat.

viii. Revise the note "175' Drive Setback" in the B-2 district to read "175' Setback to Parking and Driveways."

b. Make corrections to the reasonable satisfaction of Public Works and Utilities which shall be limited to: Extend the sanitary sewer to Highway 2 in a location that allows for the further service of upstream area north of Highway 2.

2. Final Plats will be approved by the Planning Director after:

a. The required improvements are completed or a surety is posted to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.

b. The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

i. to complete the street paving of public streets shown on the final plat within two (2) years following the approval of the final plat.

ii. to complete the paving of private roadway shown on the final plat within two (2) years following the approval of this final plat.

iii. to complete the installation of sidewalks as shown on the final plat within four (4) years following the approval of the final plat.

iv. to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

v. to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

vi. to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

vii. to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

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- viii. to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
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- ix. to complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.
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- x. to complete the installation of private street lights within this plat within two (2) years following the approval of the final plat.
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- xi. to complete the planting of the street trees within this plat within four (4) years following the approval of the final plat.
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- xii. to complete the installation of the street name signs within two (2) years following the approval of the final plat.
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- xiii. to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
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- xiv. to complete the public and private improvements shown on the preliminary plat.
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- xv. to maintain and supervise the outlots and the private facilities which have common use or benefit on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of stormwater detention/retention facilities as they were designed and constructed within the development and these are the responsibility of the Subdivider. Subdivider further agrees to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of such maintenance obligations only upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
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- (a) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the

1 installation of said private improvement has
2 certified to the City that the improvement has been
3 installed in accordance with approved plans; and

- 4 (b) The maintenance agreements are incorporated into
5 covenants and restrictions in deeds to the
6 subdivided property and the documents creating
7 the association and the restrictive covenants have
8 been reviewed and approved by the City Attorney
9 and filed of record with the Register of Deeds.

10 xvi. to properly and continuously maintain and supervise the
11 private facilities which have common use or benefit, and to
12 recognize that there may be additional maintenance issues
13 or costs associated with providing for the proper
14 functioning of storm water detention/retention facilities as
15 they were designed and constructed within the
16 development, and that these are the responsibility of the
17 land owner.

18 xvii. to continuously and regularly maintain the street trees
19 along the private roadways and landscape screens.

20 xviii. to comply with the provisions of the Land Preparation and
21 Grading requirements of the Land Subdivision Ordinance.

22 xix. to submit to the Director of Public Works a plan showing
23 proposed measures to control sedimentation and erosion
24 and the proposed method to temporarily stabilize all
25 graded land for approval.

26 xx. to submit to the lot buyers a copy of the soil analysis.

27 xxi. to protect the trees that are indicated to remain during
28 construction and development.

29 xxii. to relinquish the right of direct vehicular access from those
30 Lots and Outlots adjacent to Highway 2.

31 xxiii. to pay all design, engineering, labor, material, inspection,
32 and other improvement costs.

33 BE IT FURTHER RESOLVED that:

34 1. The requirement in Section 26.23.140(g) of the Lincoln Municipal Code
35 that every lot shall front upon and have access to a public street is waived for those lots located
36 in the B-2 zoning district.

1 2. The requirement in Section 26.23.140(c) of the Lincoln Municipal Code
2 that the side lot lines of any lot shall be at right angles to the street is waived for those lots
3 which do not meet this standard as shown on the preliminary plat.

4 3. The requirement in Section 26.23.095 of the Lincoln Municipal Code that
5 sidewalks be installed along all streets abutting the preliminary plat is waived along Highway 2.

6 4. The requirements in Section 3.4 of the Sanitary Sewer Design Standards
7 and in Section 3.2 of the Water Main Design Standards that sanitary sewers and water mains
8 shall be located outside of the roadway and 3.5 feet from the back of the curb are hereby
9 waived in order to allow said sanitary sewers and water mains to be located in alternate
10 locations approved by the Department of Public Works and Utilities.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor